

15 May 2023

Private and Confidential

Mr Watson Norwood

By email only: foi+request-10240-6ffefe00@righttoknow.org.au

Dear Mr Norwood

Your Freedom of Information request

Thank you for contacting us with a Freedom of Information (FOI) request on 6 May 2023 seeking:

“a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency.”

I am writing to let you know that we're unable to consider your request in the way you've written it. However, I would like to work with you to re-write the request in such a way that we would be able to respond to it.¹

What are your options?

Please write to me within the next 14 days indicating whether you want to:²

- revise the request, or
- withdraw the request.

If I don't hear from you or you don't want to change your request, a decision will be made based on your original request.

How you could revise your request

If you choose to clarify your request, please reduce the scope of your application to minimise the resources required to process it. You may wish to:

- better explain what you mean by the term 'log'
- restrict the time frame to which the application applies
- try to avoid, where possible, asking for material that includes information about other people
- exclude material that would require consultation with third party individuals and businesses.

¹ This letter is a Request Consultation Notice under section 24AB of the *Freedom of Information Act 1982* (Cth) (FOI Act).

² Under section 24AB(6) of the FOI Act.

Why we can't fulfil your current request

The Australian Health Practitioner Regulation Agency (Ahpra) does not maintain a list or 'log' of freedom of information applications that covers the period 2013-2023.

Our information disclosure log is published to our website at www.ahpra.gov.au in accordance with our obligations under Part 2 of the FOI Act.

The FOI Act does not require that information disclosure logs reflect every FOI application received by an entity. Section 8A specifically provides that FOI agencies are not required to publish matters relating to the personal or business affairs of individuals.

Ahpra is a regulator of health professions. We are involved in the registration of individuals in regulated health professions and the administration of public safety complaints relating to the health, performance and/or conduct of registrants. In this context it is rare for Ahpra to receive FOI applications that do not relate to the personal affairs of an individual.

The FOI Act applies to Ahpra as adopted and modified by the Health Practitioner Regulation National Law. Until 2019 the version of the FOI Act that applied to Ahpra was that which was in force immediately prior to commencement of significant amendments in 2010. Consequently, Ahpra was not required to participate in the Information Publication Scheme under Part 2 of the FOI Act until the 2019 commencement of relevant regulations within the Health Practitioner Regulation National Law Regulation 2018 required Ahpra to comply with the current version of the FOI Act.

Ahpra uses case management software administered by a third-party information technology provider to manage and record freedom of information applications. This system has limited reporting functionality and Ahpra is unable to generate a report listing and summarising freedom of information requests by purely computerised means and without extensive manual intervention involving collation of information and drafting a discrete document. Generating a report by purely computerised means would require engaging a third-party information technology provider to assist. Ahpra is therefore not obliged to produce a new document containing the information you seek under s17 of the FOI Act.

At it's broadest, your application could be taken as a request for comprehensive screenshots from Ahpra's case management system for every FOI application received between 2013 and the date of your application. This would involve the manual review of thousands of files containing the personal information of thousands of registered health practitioners and other members of the public.

Processing a request of this nature would involve hundreds of hours of processing time and meticulous redaction of a huge volume of third-party personal information. The amount of work involved in processing the request would involve a significant commitment of financial and human resources, a significant risk to third-party privacy and would, in my view, significantly impact on Ahpra's ability to meet its core work by diverting resources away from those functions.³

Ahpra therefore seeks your assistance to amend the scope of your application so that it is in a form that can be reasonably processed.

What happens next

If you do not respond to this letter within 14 days, we will understand that you have withdrawn your request.⁴ If you indicate you do not wish to revise your request, I will make a decision based on the information you have provided.⁵ If you need more time to respond, please contact Ahpra within the

³ One practical refusal reason is that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of Ahpra from its other operations: see section 24AA(1)(a)(i) of the FOI Act. I am satisfied that processing your request would be an unreasonable diversion of resources, and that a practical refusal reasons exists for the purposes of paragraph 24AA(1)(a)(i) of the FOI Act.

⁴ Under section 24AB(7) of the FOI Act.

⁵ Under section 24(1) of the FOI Act.

14 day period to discuss a possible extension of time. Please note that the time period between when I send this letter and when you respond, is not counted in determining processing time under the Act.⁶

More information

Important information about the Freedom of Information Act can be found on the Office of the Australian Information Commissioner's website at www.oaic.gov.au.

Contact

We look forward to working with you to revise your request in a way that we can consider it. If you have any questions please contact our freedom of information team at foi@ahpra.gov.au. If you do this, please quote the reference number below.

Yours sincerely

Freedom of Information Team

National Information Release Unit

Reference Number: FOI42488

⁶ Under section 24AB(8) of the FOI Act.